

POLICY & PROCEDURES LETTER

Title: Discrimination and Harassment Policy		PPL#: 04-0003
Policy Owner: Human Resources Division/EEO Unit	Issue Date: August 20, 2003	Section #:
Date of Last Review/Revision: October 2000	PPL Review Date: December 31, 2003	

Director's Directive (original signed by Director Pratt)

As directed by the Director, this Policy and Procedure Letter (PPL) takes effect immediately. A final version of the EEO Discrimination and Harassment Policy along with a final version of the Procedures associated with the role of the EEO Unit, filing a discrimination complaint, and the investigative process will be released later this calendar year.

1 POLICY STATEMENTS

A. **The California Conservation Corps (CCC) is committed to providing equal employment opportunities (EEO) which are free from discrimination, harassment, and retaliation during recruitment, hiring and retention of all applicants and employees including civil service employees, corpsmembers, and special corpsmembers.** Consistent with this commitment, it is the policy of the CCC to provide a work environment free from discrimination, harassment, and/or retaliation, and that all individuals are treated with respect and professionalism. Under this policy, CCC employees are prohibited from:

1. Discriminating against a person (i.e., treating a person differently from other people), pursuant to an act, policy, or decision to hire, train, promote, or provide equitable employment conditions on the basis of a protected characteristic.

Protected characteristics include the following:

- a. age (40 and over),
- b. ancestry,
- c. color,
- d. creed,
- e. disability (mental and physical) including HIV and AIDS,
- f. marital status,
- g. medical condition (cancer and genetic characteristics),
- h. national origin,
- i. political affiliation,
- j. pregnancy or childbirth or a related medical condition,
- k. race,
- l. religion,
- m. sex (i.e., gender),
- n. sexual orientation,
- o. veteran status,
- p. or any other basis protected by State or federal law or local ordinance.

This prohibition includes behavior based upon the perception that the person may have any of these protected characteristics;

2. Engaging in disrespectful, inappropriate, unprofessional or harassing conduct, including sexual harassment, which may create or contribute to a hostile work environment, which is directed to or negatively affects a person on the basis of a protected characteristic, even if such conduct does not rise to the level of violation of State and/or federal law; and
3. Engaging in any act of retaliation, reprisal or harassment against a person who has opposed any practices prohibited in this policy, or because the person has filed a complaint, testified or assisted in any discrimination investigation or proceeding.

The CCC will strictly enforce this policy because all forms of harassment, discrimination and retaliation are unprofessional and disrespectful, and not acceptable in any work environment.

To the extent that non-CCC employees including, but not limited to, volunteers, interns, applicants for employment, contractors and third parties, engage in the prohibited behavior, the CCC will apply the principles of this policy. In addition, the CCC will take necessary action, if possible, to implement consequences for violations of this policy by non-CCC employees.

- B. Conduct That Violates The Equal Employment Opportunity And Harassment Policy** - Violation of this policy may occur when an employee engages in conduct that discriminates, harasses or retaliates against another person based on a protected characteristic, even if the conduct is limited to one act and does not rise to the level of conduct in violation of State or federal law.

This policy applies when the employee is at work or considered to be at a workplace of any CCC employee, as well as any location that can reasonably be regarded as an extension of the workplace, such as an off-site work project, CCC sponsored social or business function, or any other non-CCC facility where CCC business is being conducted. Further, this policy applies to all work-related conduct, including conduct while off-duty, if such conduct negatively affects the work environment or the CCC.

Prohibited conduct that may violate this policy includes, but is not limited to, the following:

1. Verbal conduct such as using derogatory terms or telling discriminatory jokes;
2. Visual conduct such as displaying objects, cartoons, pictures or posters of a derogatory or discriminatory nature;
3. Posting, sending or downloading derogatory or demeaning materials in any form via electronic mail or the Internet;
4. Denial of reasonable accommodation for authorized religious purposes or to a qualified individual with a disability;

5. Differential treatment or harassment of an individual based on a protected characteristic;
 6. Terminating an employee on the basis of a protected characteristic including, but not limited to, pregnancy.
 7. Conduct set forth in the CCC Sexual Harassment PPL Number 04-0002.
 8. Following or stalking a co-worker, making unwelcome telephone calls to a co-worker or sending unwelcome correspondence to a co-worker by any means, including, but not limited to, the use of public or private mail, inter-office mail, facsimile, or computer e-mail; and
 9. Engaging in retaliation against or harassment of an employee because he/she has made a charge, testified, assisted or participated in an investigation, proceeding or hearing relating to conduct reasonably believed to violate this policy, or has otherwise opposed conduct prohibited by this policy.
- C. **Responsibilities of Employees** - All CCC employees including corpsmembers are required to:
1. Adhere to this policy;
 2. Refrain from engaging in, condoning or tolerating conduct that violates this policy;
 3. Cooperate in an investigation, hearing or a proceeding regarding an alleged violation of this policy;
 4. Attend discrimination and harassment prevention training as mandated by the Director, or his/her designee, review this policy, and request assistance from his/her supervisor or the EEO Unit if the employee does not understand any of the provisions in this policy.
 5. Maintain confidentiality and not discuss any information involving an alleged violation of this policy except with a personal representative, individuals who are authorized to inquire about or investigate the allegations, or individuals on a "need-to-know" basis.

Employees should report known or observed incidents or behavior that may be in violation of this policy to his/her supervisor, if possible, or to another supervisor or manager including, but not limited to, a Supervisor of Corpsmember Development Program, Conservation Supervisor or Center Director, or through the use of an Incident Report Form or to the CCC EEO Unit.

- D. **Consequences for Employees** - An employee may be subject to appropriate corrective or disciplinary action, up to and including termination, for his/her conduct that has been determined by the CCC to violate this policy, whether or not the conduct is in violation of State or federal law. In addition, an employee, determined by a court of law to have violated State or federal law, may be held personally liable for his/her conduct. In appropriate cases, an employee found to have violated this policy may not receive legal representation at the expense of the CCC, if named as an individual defendant in a lawsuit. An employee will not be disciplined nor retaliated against for reporting information, participating in an investigation or administrative proceeding, or filing a complaint in good faith.

- E. Responsibilities of Managers and Supervisors** - Supervisors and managers are responsible for maintaining professional standards that promote a work environment free from discrimination, harassment, retaliation, and unprofessional or disrespectful conduct. For purposes of this policy, “managers and supervisors” includes the Conservationist I classification as well as employees in civil service classifications designated as supervisory or managerial.

Supervisors and Managers shall:

1. Know, adhere to and enforce this policy;
2. Exhibit professional conduct on a daily basis, consistent with the intent of this policy, to provide a work environment free from discrimination, harassment and retaliation;
3. Take proactive measures to prevent conduct in violation of this policy;
4. Be considered on “NOTICE” of conduct that may violate this policy by personal observation or verbal or written notification from an individual;
5. Take prompt and appropriate action, if possible, to stop conduct that may violate this policy regardless of how, when or where the information is presented to the supervisor;
6. Take prompt and appropriate action to ensure that an individual who has reported an incident or behavior that may be in violation of this policy or has participated as a witness in an investigation or administrative proceeding is not subject to any retaliation;
7. Report known or observed incidents or behavior that may be in violation of this policy to his/her supervisor, if possible, or to another civil service supervisor or manager, or through the use of an Incident Report Form or to the CCC EEO Unit.
8. Ensure that employees under their supervision have attended mandated training, received a copy of this policy and understand the contents of this policy; and
9. Review the contents of this policy with their employees as directed by the Director or his/her designee.

- F. Consequences for Supervisors and Managers** - A supervisor or manager may be subject to appropriate corrective or disciplinary action, up to and including termination, for his/her conduct that has been determined by the CCC to violate this policy, whether or not the alleged conduct is in violation of State or federal law. In addition, a supervisor or manager determined by a court of law to have violated State or federal law may be held personally liable for his/her conduct. In appropriate cases, a supervisor or manager found to have violated this policy may not receive legal representation at the expense of the CCC if named as an individual defendant in a lawsuit.